

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MERRICK JOSE MOORE,

Plaintiff, No. CIV S-04-0763 GEB KJM P

vs.

S. SALENGER, et al.,

Defendants. ORDER

Plaintiff is a prisoner who is proceeding pro se and in forma pauperis. Plaintiff seeks relief under 42 U.S.C. § 1983.

On June 8, 2005, the court ordered the United States Marshal to serve the complaint on several defendants. Process directed to defendant J. Sloss was returned unserved. Plaintiff must provide additional information to serve this defendant. Plaintiff shall promptly seek such information through discovery (to the extent available), the California Public Records Act, Calif. Gov't Code § 6250 et seq., or other means available to plaintiff. If access to the required information is denied or unreasonably delayed, plaintiff may seek judicial intervention.

Also, by an order filed December 15, 2005, this court ordered plaintiff to complete and return to the court, within thirty days, the USM-285 form and two copies of his April 16, 2004 complaint, which are required to effect service on defendant Fleischman. On

1 December 27, 2005, plaintiff submitted two copies of the April 16, 2004 complaint but failed to
2 provide defendant Fleischman's address on the USM-285 form. Instead of submitting
3 Fleischman's address, plaintiff filed a "motion for discovery" in which he asked defendants'
4 counsel to provide plaintiff with Fleischman's address. Because there presently are no
5 defendants in this action, plaintiff's motion for discovery will be denied. Plaintiff will be granted
6 one final opportunity to provide the court with a complete USM-285 form for defendant
7 Fleischman. If plaintiff cannot provide the court with Fleischman's current address, the court
8 will recommend that Fleischman be dismissed.

9 Accordingly, IT IS HEREBY ORDERED that:

10 1. The Clerk of the Court is directed to send to plaintiff two USM-285 forms,
11 along with an instruction sheet and a copy of the complaint filed April 16, 2004.

12 2. Within sixty days from the date of this order, plaintiff shall complete and
13 submit the attached Notice of Submission of Documents to the court, with the following
14 documents:

- 15 a. One completed USM-285 form for defendant J. Sloss and one for
16 defendant Fleischman; and
17 b. Two copies of the endorsed complaint filed April 16, 2004.

18 3. Plaintiff's December 27, 2005 "motion for discovery" is denied.

19 DATED: May 8, 2006.

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21 _____
22 UNITED STATES MAGISTRATE JUDGE
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NOTICE OF SUBMISSION

Defendants.

OF DOCUMENTS

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Plaintiff hereby submits the following documents in compliance with the court's
order filed _____:

completed USM-285 forms

copies of the April 16, 2004
Complaint

DATED:

Plaintiff